

Statement of Justification and Proffered Conditions

Rezoning Application RZ03-S-18

A Request To Rezone Two (2) One-Acre Parcels From R-1 to R-2

Eleanor J. Butler, Nicholas F. and Michele A. Glowicki
Owners and Applicants

In 1968, Fauquier County approved Section 5 of the Broken Hills Subdivision. This subdivision included the lots identified by PINs 7905-56-7871-000 and 7905-86-7609-000. The current owners, who are also the applicants in this rezoning request, purchased and now reside in homes that were built on these two lots.

At the time of the original approval of Broken Hills Section 5, the subdivision included a platted remnant. A resident of the subdivision challenged the legality of this remnant and the court ruled that it had, in fact, been illegally platted. The effect of this legal ruling was to dissolve the previously approved subdivision, thus technically eliminating the lots owned by the Butlers and Glowickis.

Changes to the Zoning Ordinance approved since the original rezoning reduced the density allowed in the R-1 zoning to 0.9 units per acre. As a result, the one-acre properties owned by the Applicants are no longer large enough to conform to the Zoning Ordinance and the R-1 zoning classification. The Applicants cannot simply re-plat and record their lots.

In order to regain their lots, the Applicants now request the rezoning of the two parcels to the next higher zoning classification and increase the allowed density from 0.9 units/acre to 2 units/acre. The intent, however, is not to increase the development or subdivision potential of either lot. It is simply to correct the error made at the time of the original subdivision approval by providing the applicants with the opportunity to plat and record legally approved building lots identical to those that they thought had existed for more than 30 years. To that end, the Applicants proffer the following:

1. The rezoning of the subject properties from R-1 to R-2 will result in no net gain in subdivision or development potential. During the period that the zoning is R-2, there will be no additional houses constructed on either of these properties.
2. Within twelve (12) months of the approval of the requested Rezoning, the Applicants will produce and record a subdivision plat in the same configuration as the properties identified by PINs 7905-56-7871-000 and 7905-86-7609-000.
3. Following recordation of the new subdivision plat, but within the designated twelve month period, the Applicants agree that the Board of Supervisors may, on

its own volition, rezone the newly recorded lots back to the original R-1 zoning classification.

4. The Applicants further agree that, should to Board of Supervisors not act to rezone these properties to the original R-1 classification within eleven (11) months of the designated twelve month period, the Applicants will initiate such a rezoning prior to the expiration of the twelve month period.

Eleanor J. Butler Date: 7 August 2003
Eleanor J. Butler

Nicholas F. Glowicki Date: 7 Aug 03
Nicholas F. Glowicki

Michele A. Glowicki Date: 7 Aug 03
Michele A. Glowicki